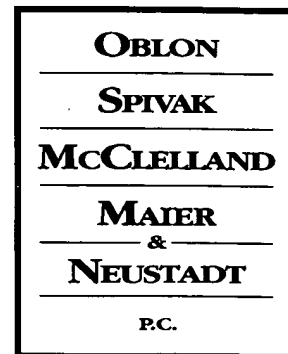




Docket No.: 247342US8

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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MICHAEL E. MONACO
REGISTERED PATENT AGENT
(703) 413-3000
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RE: Application Serial No.: 10/749,401

Applicants: John MARTIN

Filing Date: January 2, 2004

For: ELECTRONIC ARCHIVE FILTER AND PROFILING
APPARATUS, SYSTEM, METHOD, AND
ELECTRONICALLY STORED COMPUTER
PROGRAM PRODUCT

Group Art Unit: 2131

Examiner:

SIR:

Attached hereto for filing are the following papers:

Request for Reconsideration of Petition under 37 C.F.R. 1.47(b)
Declaration, Power of Attorney and Petition
Decision Refusing Status under 37 C.F.R. 1.47(b) (Copy)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle

Registration No. 40,073

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

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Michael E. Monaco

Registration No. 52,041



DOCKET NO: 247342US8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JOHN MARTIN : EXAMINER:
SERIAL NO: 10/749,401 :
FILED: JANUARY 2, 2004 : GROUP ART UNIT: 2131
FOR: ELECTRONIC ARCHIVE FILTER AND :
PROFILING APPARATUS, SYSTEM, METHOD,
AND ELECTRONICALLY STORED COMPUTER
PROGRAM PRODUCT

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(b)

MAIL STOP PETITION
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

In response to the Decision Refusing Status Under 37 C.F.R. 1.47(b) dated December 17, 2004, and further to discussions with senior Petition Attorney Patricia Faison-Ball. Applicant enclose herewith an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116. It is acknowledged that the \$130.00 surcharge for the late filing of the oath or declaration submitted on November 22, 2004 has increased to \$200.00 and therefore the difference of \$70.00 will be charged to deposit account no. 15-0030.

Upon the submission of the present Request for Reconsideration and the signed oath or declaration, Applicant has submitted all the required items as indicated in the Decision Refusing Status Under 37 C.F.R. 1.47(b) letter.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Bradley D. Lytle
Registration No. 40,073
Michael E. Monaco
Registration No. 52,041



Declaration, Power of Attorney and Petition

We (I) the undersigned, hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that the named inventor is the original, first (sole) inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

ELECTRONIC ARCHIVE FILTER AND PROFILING APPARATUS, SYSTEM, METHOD, AND ELECTRONICALLY STORED COMPUTER PROGRAM PRODUCT

the specification of which

☐ is attached hereto.

☒ was filed on January 2, 2004 As

Application Serial No. 10/749,401

and amended on _____.

☐ was filed as PCT international application

Number _____

on _____,

and was amended under PCT Article 19

on _____ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

We (I) hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/437,440
(Application Number)

January 2, 2003
(Filing Date)

(Application Number)

(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or under §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.

Filing Date

Status (pending, patented,
abandoned)

And we (I) hereby appoint the following registered practitioner(s):

Customer Number
22850

as our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to

Customer Number
22850

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

John MARTIN
NAME OF FIRST OR SOLE INVENTOR

Residence: 17100 Paloma Circle,
Round Hill, VA 20141

Signature of Inventor

Citizen of: U.S.A.

Mailing Address: Same as above

Date

Arthur C. Blades

NAME OF CORPORATE OFFICER SIGNING ON
BEHALF OF

President

TITLE

[Signature]

Signature of Corporate Officer

01/13/05

Date

Residence: 12421 Shari Hunt Grove, Clifton
VA 20124

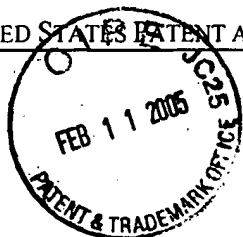
Citizen of: USA

Mailing Address: 12310 PineCrest Road, Suite 300
Reston, VA 20191



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov



OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.

1940 DUKE STREET
ALEXANDRIA VA 22314
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

COPY MAILED

DOCKETING DEPT.

JAN 06 2005

In re Application of
John Martin

Initials/Date Docketed: 10/1005

Type of Resp(s): Req. Reopen. App. 1.47(b)

Due Date(s): 3/6/05

OFFICE OF PETITIONS

Application No. 10/749,401

: DECISION REFUSING STATUS

Filed: January 2, 2004

: UNDER 37 CFR 1.47(b)

Attorney Docket No. 247342US8

:

CORRECTED DECISION¹

This is in response to the petition filed November 22, 2004, under 37 CFR 1.47(b).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on January 2, 2004 without an executed oath or declaration.

Accordingly, on August 9, 2004, a "Notice To File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration.

In response, the present petition was filed, accompanied by a request for a two (2) month extension of time.

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;

¹This decision replaces the decision mailed December 17, 2004 as the application serial number was incorrect.

- (5) proof of proprietary interest, and
- (6) proof of irreparable damage.

The petition lacks items (2) and (3).

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. A declaration in compliance with 37 CFR 1.63, 1.64, and 1.67 must be presented, signed by all of the signing inventors, if any. If no inventor(s) will sign the declaration, the declaration may be signed on behalf of the inventor by an assignee. The oath or declaration must be signed by an officer of the corporation (president, vice president, secretary, or treasurer) on behalf of and as agent for the non-signing inventor(s). The officer must identify his/her title in the declaration, as well as his/her mailing address, residence, if the applicant lives at a different location from where he or she customarily receives mail, as well as the citizenship of individual signing on behalf of the non-signing inventor. If the oath or declaration is not signed by an officer of the corporation, then proof of authority of the person signing on behalf of the corporation must be submitted.²

Additionally, the Notice to File Missing Parts requires the payment of a surcharge for the late filing of the oath or declaration. A fee in the amount of \$130.00 to cover the late filing surcharge will need to be submitted with the oath or declaration on renewed petition.


With respect to the petition fee, please be advised that effective November 22, 2004, the petition fee has been increased to \$200.00. Therein, deposit account no. 15-0030 will be charged in the amount of \$70.00 to make up the difference between that which was paid and that which is due pursuant to 37 CFR 1.17(g). See the Notice published in the Federal Register on September 21, 2004 and in the Official Gazette of the United States Patent and Trademark Office on October 12, 2004.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

²MPEP 409.03(b).